

Date: February 29, 1996

Case No. 95-ERA-42

In the Matter of:

JAMES H. DAILY, JR.,
Complainant

v.

CONAM INSPECTIONS and
PENNSYLVANIA POWER & LIGHT COMPANY
Respondents

RECOMMENDED DECISION AND ORDER
APPROVING SETTLEMENT AGREEMENT

This proceeding arises under the Energy Reorganization Act, 42 U.S.C. §5851 (1972), and its implementing regulations at 29 C.F.R. Part 24. A formal hearing in this case was scheduled for 1:00 p.m. on February 13, 1996, in Cincinnati, Ohio.

Prior to the hearing the parties notified this office that they had reached a settlement and on February 23, 1996, the parties submitted for approval by the undersigned a Settlement Agreement and Full and Final Release of Claims, duly executed by all parties to this litigation, attached hereto and made a part hereof. I have reviewed the agreement and I enter the following findings:

1. The agreement appears to be fair and reasonable on its face and it further appears that it effectuates the purposes and policies of the statute under which it arises;
2. This Decision and Order shall have the same force and effect as one made after a full hearing on the merits;
3. The entire record on which this Decision and Order is based consists solely of the Complaint and the Agreement between the parties; and,
4. The parties are hereby deemed to waive any further procedural steps before the undersigned or the Secretary of Labor, as appropriate, regarding the matters which are the subject of their Agreement.

Based on the foregoing, and in accordance with the agreement of the parties, IT IS ORDERED that:

1. The hearing in this matter scheduled for February 13, 1996, in Cincinnati, Ohio, is hereby CANCELLED;

2. The Agreement be, and it hereby is, APPROVED;
3. The Complaint in this matter be, and it hereby is, DISMISSED, with prejudice.

DANIEL J. ROKETENETZ
Administrative Law Judge

NOTICE: This Recommended Decision and Order and the administrative file in this matter will be forwarded for review by the Secretary of Labor to the Office of Administrative Appeals, U.S. Department of Labor, Room S-4309, Frances Perkins Building, 200 Constitution Ave., N.W., Washington, D.C. 20210. The Office of Administrative Appeals has the responsibility to advise and assist the Secretary in the preparation and issuance of final decisions in employee protection cases adjudicated under the regulations at 29 C.F.R. Parts 24 and 1978. See 55 Fed. Reg. 13250 (1990).